IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2604 OF 2006

Malwani Machhimar Vividh
Karyakri Sahakari Society Ltd.(Regd) & anr. Petitioner
vs.
Union of India & 2 ors. Respondents

Mr.K.N.Kandekar for the petitioner.

Mr.Rajiv Chavan with Ms.Leena Patil for respondent no.1.

Mr.K.R.Belosay, AGP for respondents 2 and 3.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 14th November, 2006

P.C.

The claim of th petitioners is that they have customary right over the land. Respondent no.1 based on the survey record contends that it is in their possession since 1948/1949. It will not be possible for this court to go into the issue as to the nature of customary right which the petitioners claim. That will require investigation of the facts. In these circumstances, this would not be a fit case for this court to exercise its extraordinary jurisdiction. It will be open to the petitioners to take out appropriate proceedings including by way of Suit.

2. With the above observation, petition stands disposed of.

3. The interim order granted to continue for a further period of four weeks from today.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)